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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,089	11/14/2000	ALLEN D BAKER	10002104-1	3410

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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,089

Applicant(s)

BAKER, ALLEN D

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on August 8, 2004. Claims 21-48 are pending.

### ***Response to Amendment***

2. Examiner acknowledges amendments filed on 8/16/2004, where applicant amended claims 44-48 to correct minor errors.
3. Applicant's remarks and request for reconsideration of the finality of the rejection is acknowledged. Although the remarks in response to the last Office action are not persuasive, the examiner withdraws finality of that action based on a new rejection under 35 U.S.C. 112, second paragraph.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 21,32 and 43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant states: "wherein each information object includes an indirect link to another information object, each indirect link to an information object being a link to a redirection object for that information object". This limitation is not clear because it fails to resolve the difference between "an indirect link to another information object" and "an indirect

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link to an information object". The claim language indicates that "an information object" and "another information object" are one and the same thing.

6. Claims 22 and 44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The limitation "receiving a request" does not indicate who is receiving a request.

The limitation "returning an instruction" does not indicate to where the instruction is being returned.

7. Claims 21,22,30,31,32,33,34,35 and 41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The term "object" has not been clearly defined to allow proper reading of the claims.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 21,22,30,31,32,33,34,42,43 and 44 rejected under 35 U.S.C. 102(b) as being anticipated by Mayhew (US Patent No 5,933,596).

10. In reference to claim 21,32 and 43, Mayhew teaches a method for supplying information, comprising:

distributing a plurality of information objects across a plurality of servers; (Abstract, column 2 lines 13-50 and column 4 lines 24,25,32 & 33)

providing a redirection object for each information object; (column 4 lines 24-63, Mayhew teaches providing an internal data structure which redirects page requests to another server) and

wherein each information object includes an indirect link to another information object, each indirect link to an information object being a link to a redirection object for that information object. (column 4 lines 24-27, 32-37 & 42-55, Mayhew teaches web information containing links to other information, where there is an internal data structure for redirecting each information request).

11. In reference to claim 22 and 44, Mayhew teaches the method of claim 21 above, further comprising:

a first server presenting a first information object of the plurality of information objects to a client terminal; (column 4 lines 24,25,32 & 33)

receiving a request for a second information object of the plurality of information objects from the client terminal, the request corresponding to a selection of the indirect link included in the first information object; (column 4 lines 26,27, 34-37 & 42-55)

determining if a second server hosting the second information object is operational; (column 4 lines 35-42) and

returning an instruction redirecting the client terminal to the second information object if the second server is determined to be operational (column 4 lines 42-63).

12. In reference to claim 30 and 42, Mayhew teaches the method according to Claim 21, wherein each information object and each redirection object includes a web page (column 2 lines 13-53 and column 4 lines 24-35).

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13. In reference to claims 31,33 and 34, Mayhew teaches the method of claim 21, wherein providing a redirection object for each information object includes providing a central server to host the redirection objects, the central server being the initial target for requests made for each information object (column4 lines 23-62; Mayhew discloses storing internal data structures of alternate servers on a main server that was originally accessed by a request).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 23-29,35-41 and 45-48rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhew (US Patent No 5,933,596) in view of DeBettencourt (US Patent No 6,279,001).

16. In reference to claim 23,35 and 45, Mayhew teaches finding a server to be 'busy' (column 4 lines 35-42). Mayhew fails to explicitly teach returning an error message to the client terminal if the second server is determined to be unavailable. However, DeBettencourt teaches transmitting an error/sorry page if a server is unavailable (column 7 lines 35-67).

It would have been obvious for one of ordinary skill in the art to modify Mayhew by returning an error message when a server is found to be busy as per the teachings of DeBettencourt that if the second alternate server is unavailable then the user is notified as such.

17. In reference to claim 24,25,26 and 36-38, Mayhew teaches finding a server to be 'busy' (column 4 lines 35-42). Mayhew fails to explicitly teach returning an error message includes directing the client terminal to an error handling object, wherein the error-handling object includes an error message. However, DeBettencourt discloses either redirecting a request to another server or to an error handler issuing an error/sorry message (column 6 lines 44-67 and column 7 lines 35-67).

It would have been obvious for one of ordinary skill in the art to modify Mayhew by returning an error message when a server is found to be busy as per the teachings of DeBettencourt that if the second alternate server is unavailable then the user is notified as such.

18. In reference to claims 27-29,39-41 and 46-48, Mayhew teaches checking server status (column 4 lines 35-42). Mayhew fails to explicitly teach wherein determining comprises maintaining a centralized status of each server and inspecting the centralized status to determine the availability of the second server. However, DeBettencourt discloses maintaining server status through a manager and interceptor, and determining availability of servers (column 2 lines 5-55, column 7 lines 5-67 and column 8 lines 27-50); wherein maintaining comprises periodically updating a status of each of the servers (column 7 lines 13-20 and column 8 lines 27-50); wherein updating includes pinging the servers (column 6 lines 14-43 and column 19 line 55 – column 20 line 25).

It would have been obvious for one of ordinary skill in the art to modify Mayhew by maintaining server status as per the teachings of DeBettencourt so that server status can be monitored for server managing purposes.

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***Response to Arguments***

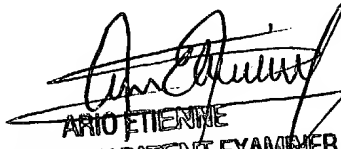
19. Applicant's arguments with respect to claims 21-48 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
September 22, 2004

  
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